

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
JAMES J. FIORINI
CLERK

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UNITED STATES OF AMERICA

Plaintiff

V.

George J. Fiorini, II,

Defendant.

CASE NO. C-1-01-714

JUDGE WEBER

Affidavit of George J. Fiorini, II

Being duly sworn, affiant states:

~~CLAIM, FOR THE~~ TRUTH OF THE OATH IS WITH THE CLAIM OF THE FACTS

**UNITED STATES' RESPONSE
TO DEFENDANT'S MOTIONS
FOR SUMMARY DISMISSAL**

(FEBRUARY 5, 2004)

George J. Fiorini, II, Response

To Motions:

TO DISMISS WITH PREJUDICE

George J. Fiorini II, comes again to this Court, in proper persona, only because the Court has not as of yet, provided him with competent Legal Council. At all times, Mr. Fiorini has prayed to the Court for Competent Legal Council and for his rightful opportunity to testify as to his innocence in a Speedy Trial. George J. Fiorini, II, has never waived his rights to Competent Legal Council or a Speedy Trial. He has done everything in his power to cooperate with authorities and to provide them with the facts.

To clarify matters before the Court, and environmentally to "save our trees", the Defendant again prays to the Court to review, as if rewritten herein, all prior Statements, Documents, Motions, and Exhibits, provided by the Defendant, in their entirety, and filed with the Court for the benefit of the public, allowing if necessary, any "so called type law school corrections" that would have been

obviously attended to had the Defendant been provided with the competent counsel that he has been patiently waiting for and is legally entitled to have defended him. If the Court has possibly forgotten, may I please remind you that the Defendant is an honorable citizen of the community, has always been an honorable citizen of the community, is not a lawyer, and has never practiced law or been in any kind of trouble, has no desire to be in trouble, nor would ever do anything, knowingly or intentionally that might ever cause harm or trouble to anyone.

The Defendant George J. Fiorini II, is now forced to defend himself against a horrific nightmare in an equivalent relationship as that of an abducted child who is at the futile mercy of his destruction by a most powerful and manipulative force.

Wow, possibly it's best that we all pause for a moment to reflect upon the galaxy of stars that God so graciously provided to us so that we might have a twinkling flicker of opportunity to ground ourselves once again in the ever so simple, but yet so complex concept of **RIGHT versus WRONG**. The sparkling Galaxy represents Truth in Light. **I BELIEVE IN TRUTH**. I ask of the Court this day, a simple question, "Please enlighten me.....For as magnificent and urethral as the galaxy is...if the phrase, "Star Chamber" is defined as "any unnecessary or unpleasantly curious investigating body, controlled by counselors appointed by royal authority that meets in secret session and hands down, "Unjust and Arbitrary judgments", and as we have all been clearly shown by the light of the Silvery Moon, the truth in facts proves once again that the Prosecution working within the **FEDERAL DISTRICT COURT Southern Ohio, Western Division**, did in fact, function as a "Star Chamber", acting: Without the **REAL FACTS**, meeting in secret and handing down unjust and arbitrary judgments against the Defendant.

It is clear that the Prosecution has an "Irregularity" problem. Ask any good "MD" and they will confirm that lack of regularity, also affects the mind. For this reason, let's move past the Prosecution's confusion that prior motions were "Motions for Summary Judgment", when clearly they were not referred to as that. While he spends his time looking up rules in the Federal Rules of Criminal Procedure, he should check out rule 42, **MOTION FOR SUMMARY DISPOSITION**. This brings us to the real issue at hand, and that is the disposition and dismissal of all claims against the

Defendant. Disposition and Dismissal happen to be synonymous with one another, both meaning to put out, quash, throw out, to settle, a final settlement, etc. That is the purpose of this Motion. In a criminal case, the test for reliability is so stringent that when a conviction is to be based upon inferences drawn from underlying facts, the inferences which support guilt must be so strong that they exclude the drawing from the same underlying facts of reasonable inferences which support innocence.

It is as clear as a bright, blue sky on a beautiful day that the Plaintiff did not perform his necessary due diligence, research, or proper investigation into the REAL FACTS surrounding this case.

The Plaintiff acted in BAD FAITH and pursued actions against the Defendant in UNREASONABLE WAYS.

Actual Misbehavior by the United States Attorney is decidedly unfunny, despicable, and an embarrassment to the City of Cincinnati, his profession, and all who were forced to join as conspirators against the Defendant.

These multiple gross misbehaviors only harm the public good, resulting in a massive public undermining of trust and faith in the Judicial System, a fate for this country worse than death.

The Federal Rules for Criminal Procedure provides for Motions for Summary Disposition with prejudice on behalf of the Defendants as well as providing the Court with permission to SANCTION the Prosecution for their wrongful misconduct and violations against the Defendant.

The Prosecution initially originated their malicious perpetrations against the Defendant in Civil Court. Rule 11, Federal Rules of Civil Procedure, obligates the Federal Court to impose SANCTIONS upon lawyers who misbehave, act in bad faith, pursue lawsuits in unreasonable ways, and threaten citizens with frivolous suits.

Rule 11 prescribes sanctions for certain basic misdeeds: (1) the filing of a frivolous suit or document; (2) the filing of a document or lawsuit for an improper purpose; (3) actions that needlessly increases the cost or length of litigation.

Relevant parts of the rule are these: "The signature of an attorney or party constitutes a certificate by the signer that the signer has read the pleading, motion, or other paper, that to the best of the signers knowledge, information, and belief formed after reasonable inquiry, it is well grounded in

fact and is warranted by existing law or a good faith argument for the extension, modification, or reversal of existing law, and that it is not interposed for any improper purpose, such as to harass or cause unnecessary delay or needless increase in the cost of litigation....If a pleading, motion, or other paper is signed in violation of this rule, the Court, upon motion or upon its own initiative, shall impose upon the person who signed it, a represented party or both, an appropriate sanction, which may include an order to pay the other party or parties the amount of reasonable expenses incurred because of the filing of the pleading, motion, or other paper, including a reasonable attorney's fee."

"Fundamentally, a party can not use litigation or litigation techniques to punish the opposing party. The playing field is leveled by this...a well padded party cannot litigate for the purpose of grinding the rest of us into submission. Improper litigation includes dilatory tactics that cause litigation to hang over a party's head. The courts will find these tactics abusive under Rule 11, impose Sanctions and stop the entire litigation, with both the misbehaving attorney and his client liable."

The Defendant, George J. Fiorini, II, seeks fairness.

George J. Fiorini, II, has presented a strong affirmative defense stating the true material facts in sworn Affidavits, which clearly support his innocence. The inferences suggested by the Plaintiff are contaminated by gross misrepresentations, falsehoods, and deliberate, harmful errors.

The Government has acknowledged that George J. Fiorini II has filed Statements of Facts and that they, the Plaintiff, have not rebutted, contested, or disputed the material facts that Fiorini has presented to the Court for the "Good of the People." It is clear from the non responsive answers rendered by the Plaintiff that the material facts are not in dispute; accordingly, by law, all claims against the Defendant must be dismissed with prejudice.

The Government does not have a legitimate case, factual basis, probable cause, reasonable grounds, actus reus with mens rea or any valid merit necessary to proceed to trial because "Fiorini is not guilty of anything." There exists no evidence against George J. Fiorini II which would provide the degree of proof, or burden of proof of guilt beyond a reasonable doubt, necessary to obtain a successful criminal conviction. Accordingly, by law, all claims against the Defendant must be dismissed with prejudice.

The Government argues that, "An Indictment returned by a legally constituted and unbiased Grand Jury, like information drawn by the prosecutor, if valid on its face, is enough to call for trial of this charge on the merits." They support their argument by referencing, "There is a presumption of regularity which attaches to such proceedings (referring to Grand Jury proceedings), and the defendants have a difficult burden to prove any irregularity."

The Facts prove that the information drawn by the prosecutor was not true, correct, and valid on its face. The Grand Jury was not unbiased and the indictment was returned unlawfully. Accordingly, by law, all claims against the Defendant must be dismissed with prejudice.

The Grand Jury, in fact, was intentionally deprived, defrauded, and deceived of truth, facts, and testimony. The Prosecution blatantly violated privilege by their malicious "Deception." Revised Code 2913.01 (A), defines "deception" to mean "knowingly deceiving another or causing another to be deceived by any false or misleading representation, by withholding information, by preventing another from acquiring information, or by any other conduct, act, or omission that creates, confirms, or perpetuates a false impression in another, including a false impression as to law, value, state of mind, or other objective or subjective fact. "The definition of deception" adopts a broad concept of deceit, framed in terms not only of acts or omissions, but also of results.

The essence of deception is an act or omission which the actor is consciously aware, creates or perpetuates a false impression in another. In addition, the facts of withholding, or preventing another from getting information are specifically included in the definition. Thus, a person need not actually make a representation to practice deception. It is enough if he merely prevents another, by whatever means, from learning the true facts and thereby knowingly deceives him.

The Prosecution deliberately, knowingly, and intentionally acted to "DEFRAUD" the Grand Jury. The Revised Code 2913.01 (B) "DEFRAUD" means to knowingly obtain, by deception, some benefit for oneself or another, or to knowingly cause, by deception some detriment to another. "Defraud" is defined in more comprehensive terms than former law, by including the practice of deception to obtain a benefit as well as to cause some detriment to another." (Some former offenses containing an element of fraud theoretically limited to causing some detriment to another.) (See e.g., Griffith v. State, 93 St. 294, 112 N.E. 1017 (1915).

It stands a proven material fact that the Assistant United States Attorney, John M. DiPuccio, acting as prosecutor and attorney for The United States Government, plaintiff, did knowingly and intentionally withhold important evidence from The Grand Jury, including exculpatory evidence. He purposely prevented The Grand Jury from understanding the facts which would rightfully clear George J. Fiorini II of any guilt or blame and restore to him, his good name.

DiPuccio covered up the evidence that it was The Grand Jury's obligation to hear and the Defendant's RIGHT that it was presented and heard. The Plaintiff's blatant, intentional, and maliciously unjust acts perpetrated against the Defendant resulted in an OBSTRUCTION OF JUSTICE and DENIAL OF DUE PROCESS. It is the Plaintiff, acting with UNCLEAN HANDS, who has unlawfully violated the Defendant's Right to Due Process. The fact remains that once Due Process is denied, ALL JURISDICTION CEASES. (5. U.S.C. Section 556(d), 557, 706, and accordingly by law all claims against the Defendant, George J. Fiorini II, must be dismissed with prejudice.

The Plaintiff is relying on the Defendant, "having a difficult burden to prove any irregularity"....???? PLEASE....(As we say in Cincinnati) or WHAT....? "Irregular", meaning, "not conforming to legality, moral law or social convention", "contrary to rule, accepted order or general practice, "irregularity," which is defined as "the quality or state of being irregular." The Defendant asks now of the Court.... Is Deception, Lying, Cheating, Defrauding, Denial of Due Process, Truth, Testimony, Facts, Documents, Unclean Hands and Destruction of Justice the "Regular" Standard Operation of Acceptable Procedure adopted by The United States District Court, Southern District of Ohio, Western Division?

"There is a presumption of regularity which attaches to such proceedings"...REGULARITY would most certainly include the fundamental due process "RIGHT" to testify before the Grand Jury. The Right of individuals to testify on their own behalf prior to being indicted is an essential ingredient in a fairly functioning Grand Jury and criminal justice system. Without it, the Grand Jury's essential function of arriving at an accurate indictment is undermined because the jurors may be denied certain evidence resulting in a biased Grand Jury. An indictment returned by a biased Grand Jury must be avoided.

In addition to compounding due process violations by refusing to allow the defendant to testify in his

own defense, the attorney for the plaintiff, Prosecutor John M. DiPuccio was given documented evidence that would have proved beyond any shadow of a doubt that George J. Fiorini was innocent; the charges had no merit and that the information drawn by the prosecutor was not valid on its face. The Documents which were presented to DiPuccio by Fiorini's attorney of record, Kelly Johnson, in the presence of George and Vicki Fiorini contained information that had been, in fact, specifically requested by Judge Weber.

DiPuccio, as he quickly reviewed the information outside the courtroom, started shaking and sneered, "I don't want this", as he shoved the documented evidence back into the hands of Kelly Johnson.

John DiPuccio, assistant United States Attorney and Attorney for the Plaintiff, and George Fiorini then entered the courtroom. Mr. Fiorini stated that he would like to give his testimony to the Grand Jury. DiPuccio immediately denied Fiorini his right to testify and told him to leave the courtroom, go out in the hall and send his wife, Vicki Fiorini in who answered a few minor questions and returned to the hallway in less than a minute. Within four minutes, DiPuccio returned to the hallway outside the courtroom to boastfully snarl at George and Vicki Fiorini and Kelly Johnson that the Grand Jury had returned a multiple count indictment against Mr. Fiorini.

Regular....? Hardly, and no reasonable man or woman of sound mind would ever be lead into believing that the indictment was lawfully returned, the facts were lawfully presented, and careful deliberation had been made. In fact, the very essence of the "deliberation of a jury" are to consider a matter carefully and often slowly, as by weighing alternatives, to think carefully and often slowly about a choice to be made, to be unhurried in action, movement, or manner, as if trying to avoid error, done with or marked by full consciousness of the nature and effects; thoughtfulness in decision or action; leisureliness in motion or manner; discussion and consideration of all of an issue; the deliberations of a jury. (Synonyms- slow and ponder).

Do we all get the picture? Great. Now let's ponder this one slowly and carefully:

Title 18 U.S.C. 1001 "whoever in any matter within the jurisdiction of any department or agency of the United States knowingly and willfully falsifies, conceals, or covers up by any trick, scheme, or devise a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses false writing or document knowing the same to contain any false, fictitious, or

fraudulent statement or entry, shall be fined...or imprisoned..."

As part of our thoughtful deliberations, "inquiring minds want to know"...just why might the Prosecution resort to such desperate and deceptive practices? Could it be the fact that the court records document that the taking of the Fiorini Family's personal and corporate assets violated the most fundamental and primary due process protections under the laws and Constitution of The United States?

Just what if legitimate assets belonging to legitimate business and an innocent owner were wrongfully seized and subsequently sold prior to and without any conviction of their owner?

What if the Prosecution made such a BIG, BAD BOO-BOO that they don't know how to get out of it...unless of course they can get a nice good guy type to break under pressure and under duress, be forced to sign a plea bargain stating that he was guilty and responsible for a crime, when he, in fact, was innocent of any wrongful act?

Well, we ask...How might the Prosecution go about that? Good Question...How about applying intimidation tactics, infused with frightening threats to his wife and children, pastor and friends... "we only need to get him on one count to make him guilty, but let's throw all the garbage in the kitchen sink at him, lots of counts...Fiorini is a celebrity. Let the media make a mockery of him then the whole world will presume that he must have done something wrong? We will poison his name in the community so he doesn't stand a chance. Any future jury pool will convict him in a second." Meanwhile, we will strip him of his assets and his ability to make a living. He will be running around like a "chicken with his head cut off", trying to figure out what just happened to him and he won't have a red cent to hire any decent legal council. We skate. We're off the hook."

Hey..."Great family Man", "He would never...I mean never let his family be harassed, know what I mean?... "he will be a pushover to sign a plea agreement stating that he is guilty of anything we want, if we just let his family alone"...

Against all odds, and despite the unmerciful harassments perpetrated upon him and his family, George J. Fiorini II refused to be coerced into signing a plea agreement, testifying that he could not put his hand on a Bible and lie before God and the Court that he was guilty of a crime that he,

in fact, had not committed. Mr. Fiorini's morals and principles refused to permit him to be forced into committing an act of perjury, which in itself, would then have constituted a crime.

As the plot thickens....Let's consider...Could this be the real reason that the Prosecution deliberately acted to defraud the Court and the Grand Jury? The desperation factor; the need for an indictment or a guilty plea, a conviction, handed down at all costs..."that necessary benefit needed for oneself and the others involved in the conspiracy, which causes by deception, detriment to another"...fits so far, doesn't it?

Might the actions taken by DiPuccio and his team actually constitute **Grand Theft Auto**?

How can they **CYA** (so to speak) without obtaining a guilty verdict? Whoops...

You see, there was no legal basis for taking the Defendant's properties. No creditor was at risk.

The Defendant's properties were in excellent financial shape. All loans and debt payments had been made on schedule and at all times the assets were valued conservatively in excess of a future debit obligation. In addition, to their appreciation abilities they were all income producing assets.

Who was it...? Who wanted to get their grubby paws on the Fiorini collection of priceless automobiles, well known around town and used for weddings, special occasions, and celebrity limousine services? What triggered their greed? Was it the 1960 Rolls Royce Silver Cloud II, the Bentley Mark VI, or the 1960 Rolls Royce Silver Cloud II? Could it be that the culprit had a Pamela Anderson obsession and just had to possess the famous Celebrity Boat, which carried the gorgeous Baywatch lifeguards? Time will tell. Let's ask the Court to please tell us all...just who received possession or ownership of the Fiorini collection, which was unlawfully seized and liquidated through an online auction prior to and without any conviction of the Defendant?

The Plaintiff has violated the substantive and procedural due process protections of the Fourteenth Amendment, violated procedural due process protections and denied the Defendant the right to have his personal and property rights. Accordingly, all claims against the Defendant must be dismissed with prejudice.

Are G-Men accountable for misdeeds? **YOU BET THEY ARE!** Most Americans are Pro-law enforcement, but when government agents abuse their power, they can now be held accountable for their wrongful actions. The doctrine of "qualified immunity" protects law enforcement officers from liability only if they act reasonably under the circumstances. John DiPuccio could not "reasonably have presumed that the seizure and sale of the Defendant's property, prior to and without a conviction, to be valid." United States v. Leon, 468 U.S. 897, 9239(1984) "the federal government and its agents are not immune from liability for unjustified raids. "Ramirez v. Butte-Silver Bow Cty. 2002 U.S. AppLexis 3893 (9th Cir. Mar.13, 2002)

May we move forward to another point of "irregularity" on the part of the Prosecution? Let's ask the Court... Why, if the Prosecution really felt they had a strong enough case against the Defendant by October 2001, that would validate their unlawful seizure of the Defendant's assets, were they not prepared and ready to go to trial by July 2003? George J. Fiorini II was ready and willing to get it on. Interestingly, his Court appointed attorney, acting in concert with DiPuccio, pushed for a delay.

A new trial date was set for October 21, 2003. Mr. Fiorini was anxiously awaiting his opportunity to tell the Court the truths and facts. He encouraged his attorney to prepare Pre trial motions and offered to assist him preparing his Statements of Facts. When Fiorini was questioned by Judge Weber as to the trial date, Fiorini stated that he indeed was prepared and ready to go to trial the following week as scheduled. In front of Judge Weber in October 2003, the transcripts will show that DiPuccio was unprepared for trial, claiming that he no longer had a file on the Fiorini case. He asked for a continuance. An angry Judge Weber asked, "How long do you need?" DiPuccio stated, "Six to eight weeks." A new trial date was again set for November 18, 2003.

Let us again ask the Court... Why oh why, if they had a case or any valid evidence against Fiorini, would they not have been ready to go to trial?

The next question that comes to mind is... Why, if the Prosecution had been harassing Mr. Fiorini

and his family since 1997, and they had a new November 18, 2003 trial date as they requested of the Court for their benefit and to the detriment of Mr. Fiorini, did they again not prepare for the trial? Why did they run out and file a new "bogus" superseding indictment, so they could purposely delay putting the meat on their potatoes?

George J. Fiorini II has a Constitutional Right to a speedy trial. Isn't it true that his Right to a speedy trial is being purposely delayed without merit?

Isn't it true that Title 18 Sec. 3162 (b) (2) states, "if the attorney for the government files a motion solely for the purpose of delay which he knows is totally frivolous and without merit": Sanctions and punishment by the court are in order?

Isn't it true that Title 18 Sec. 3162 (b) (3) states, "if the attorney for the Government makes a statement for the purpose of obtaining a continuance which he knows to be false and which is material to the granting of a continuance": Sanctions and punishments by the court are in order?

Isn't it true that Title 18 Sec. 3162 (b) (4) states, "if the attorney for the Government otherwise willfully fails to proceed to trial without justification consistent with Section 3161 of this chapter, the court may punish any such counsel or attorney," Sanctions and punishment by the court are in order?

Isn't it true that Title 18 Sec. 3161(8) (c) states, "No continuance under subparagraph

- a. Of this paragraph shall be granted because of general congestion of the Court's calender or lack of the attorney for the Government": Sanctions and punishments by the court are in order?

Isn't it true that Title 18 Sec. 3162 (4) states, "If the attorney for the Government otherwise willfully fails to proceed to trial without justification consistent with Section 3161 of this

chapter, the court may punish such counselor or attorney?

Isn't it true that Rule 48 of the Federal Rules for Criminal Procedure IX (General Provision)

Dismissal states, "the court may dismiss an indictment, information, or complaint if

UNNECESSARY DELAY occurs in bringing a defendant to trial, filing information

against a defendant."?

ISN'T IT TRUE THAT IT IS NOT GEORGE J. FIORINI II'S FAULT, THAT JUDGES

HAVE RECUSED THEMSELVES FROM THIS CASE?

Isn't it true that Rule 50 of the Federal Rules of Criminal Procedure IX (General Provision)

Prompt Disposition states, "Scheduling preference must be given to Criminal Proceedings,

as far as practicable."?

STAR CHAMBER?... (The Star Chamber derived from the English tribunal that met

in a room where the roof was ornamented with stars.).....May we please ask the

Court?...Star Chamber door #1...or

Is it Star Chamber door #2...????...The Mystery Decision Star Chamber Door????

Is that the.....Right Door????.....or the Wrong Door????.....?????????

The fact of the matter is, once again, that there is only one door and that is the truth!

I, George J. Fiorini II, have done everything humanly possible to try to bring forward the Truth.

I am innocent and pray to the Court to dismiss all charges against me with Prejudice.

Some guys out there have Moms who teach them that, "Life is like a box of chocolates."

MY MOM TAUGHT ME - THAT, "TWO WRONGS DON'T MAKE A RIGHT"

How many wrongs does DiPuccio get?

The Facts are clear. DiPuccio and his cohorts in crime have violated and conspired to

violate the Defendant's Civil Rights and knowingly inflicted great and irreparable harm

upon the entire Fiorini family.

Federal Judges have aided, abetted, and expanded the wrongful acts which constitute major violations of federally protected rights. These multiple causes of actions have been violated; inter alia, Title 42 U.S.C. 1986, which required that anyone knowing of civil rights violations had a duty to prevent or aid in their prevention.

Title 42 U.S.C. 1986 - Action For Neglect to Prevent Conspiracy:

"Every person who, having knowledge that any of the wrongs conspired to be done..., are about to be committed, and having power to prevent or aid in preventing the Commission of the same, neglects or refuses to do so, if such wrongful act be committed, shall be liable to the party injured, or his legal representatives for all damages caused by such wrongful acts, which such person by reasonable diligence could have prevented."

The United States of America, Plaintiff, is now sadly implicated, as well, for his role in allowing federal personnel to engage in these wrongful acts.

Federal judges have a mandatory responsibility to provide court forum and relief for the Defendant who had been deprived of personal and property rights without, and in direct and repeated violations of due process of law.

George J. Fiorini II, the Defendant, is now forced by law to exercise federal remedies for the multiple violations of federally protected rights and bring forth, for the "Good of the People", the evidence of criminal activities that the Plaintiff and his group of government agents and co-conspirators have engaged in.

Federal judges must receive this matter under the clear wording of The Federal Crime Reporting Statute, Title 18 U.S.C. 4

Title 18 U.S.C. 4 (whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same judge or other person in civil or

military authority under the United States, shall be fined or imprisoned or both.)

Title 28 U.S.C. 1361 - Action to compel an officer of the United States to perform his duty. "The district courts shall have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the Defendant."

IT IS NOT GEORGE FIORINI'S FAULT THAT THE CONSPIRATORS ACTED IN VIOLATION OF THE LAW.

IT IS A FEDERAL CRIME UNDER TITLE 18 U.S.C. 241 FOR ANYONE TO INFLICT HARM UPON A PERSON FOR HAVING EXERCISED DUE PROCESS REMEDIES.

IT IS NOT GEORGE FIORINI'S FAULT THAT HE IS FORCED TO COME FORWARD AND EXERCISE HIS DUE PROCESS REMEDIES.

Title 18 U.S.C. 241 - Conspiracy against rights of citizens.

If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privileges secured to him by The Constitution or laws of the United States or because of his having so exercised the same: - they shall be fined or imprisoned or both.

Fortunately, there are Federal Protections, specifically written and intended to remedy and halt violations of federally protected rights. These protections include The Civil Rights Act and the Declaratory Judgment Act.

The barrage of civil rights violations perpetrated against the Defendant by the United States Government now invoke the mandatory duty for federal judges to provide a Federal Court forum and relief under The Civil Rights Act.

Title 42 U.S.C. 1983 "Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or Territory, subjects....any citizen of the United States....to the deprivation of any rights, privileges, or immunities

secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress."

The Declaratory Judgment Act is composed of two statutes.

Title 28 U. S. C. 2201 - Creation of a Remedy

"In a case of actual controversy within its jurisdiction, any court of the United States, upon filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such."

Title 28 U.S.C. 2202 Further Relief

"Further necessary or proper relief based on a Declaratory Judgment or decree may be granted after reasonable notice and hearing, against any adverse party whose Rights have been determined by such judgment."

"After a Declaratory Judgment is rendered under Title 28 U.S.C. 2201, Title 28 U.S.C. 2202 provides for further remedies, including ordinary financial damages."

Retaliation or harm inflicted upon a whistleblower, witness, or informant for reporting suspected or known criminal activities is a criminal offense under Title 18 U.S.C. 1505, 1510, 1512, and 1513(b)

Title 18 U.S.C. 1505 "whoever corruptly influences, obstructs, or impedes or endeavors to influence, obstruct, or impede the due process administration of the law under which any pending proceeding is being had before any department or agency of The United States...shall be fined or imprisoned or both."

Title 18 U.S.C. 1512 - Tampering with a witness, victim, or informant

(a) "whoever ...prevents the attendance or testimony of any person in an official proceedings; (b) prevents the production of a record ...in an official proceeding;

(c) prevents the communication by any person to a law enforcement officer or judge of the United States, of information relating to the commission or possible commission of a federal offense...(2)(b) whoever knowingly uses intimidation or physical force, or threatens another person, or attempts to do so, or engages in misleading conduct towards another person with intent to (1) influence, delay, or prevent the testimony of any person in an official proceeding; (2) cause or induce any person to (a) withhold testimony, or withhold a record, documents, or other objects, from an official proceeding; (3) hinder, delay, or prevent the communication to a law enforcement officer or judge of the United States, of information relating to the commission or possible commission of a federal offense...(c) whoever intentionally harasses another person hereby hinders, delays, prevents, or dissuades any person from (1) attending or testifying in an official proceeding; (2) reporting to a law enforcement officer or judge of the United States, the commission or possible commission of a federal offense...(3) arresting or seeking the arrest of another person in connection with a federal offense; or (4) causing a criminal prosecution...to be sought or institution, or assisting in such prosecution or proceeding.....shall be finedor imprisoned....."

Title 18 U.S.C. 1513 – Retaliation against a witness, victim, or informant

a. "whoever knowingly engages in any conduct and thereby causes bodily injury to another person, or threatens to do so, with the intent to retaliate against any person for (1) the attendance of a witness or party at an official proceeding, or any testimony given, or any records, documents, or other object produced by a witness in an official proceeding, or (2) any information relating to the commission or possible commission of a Federal offense..." shall be fined or imprisoned or both.

Title 18 U.S.C. 1623(a) False declarations before a grand jury or court

(a) "whoever under oath...or statement under penalty of perjury...before or ancillary to any court or grand jury of the United States knowingly makes any false material declaration, shall be fined...or imprisoned..."

John M. DiPuccio- made false declaration before the Grand Jury and the Court, resulting in an unlawful indictment against George Fiorini, to be handed down.

Accordingly, by law, all charges against the Defendant must be dismissed with prejudice.

I, George J. Fiorini II, pray to the court and ask for fairness and freedom from the nightmare that has been inflicted upon our family for so many years now. I am a man who believes in God, my family, and our Country, who is deeply saddened to have to come to the realization that we do indeed have corruption in our legal system. My intentions have always been to bring forth the truth and I certainly discovered the truth of my naivete, while researching the law as a result of having to address these issues myself.

I once believed that all I needed was an opportunity to present the truth and the fact, in order to clarify a giant misunderstanding. I now realize that I have been abducted and thrown into Pandora's Box, and stuffed into a rotten bag of Medusa worms, neither of which I would ever have chosen to open or associate with.

This must be what they mean when they say, "How to swim with the sharks...without being eaten??"...

At this very moment of my life, I wish I had read that book.

What is a man supposed to do when all the light bulbs go on and he finds himself surrounded by Organized Crime?

There is no honor in running... There is no honor in hiding... and my Mama never said, "Stupid is as Stupid does."

A Man Has To Do...What A Man Has To Do...

Front And Center...Shoulders Back...Forward March...

I have delivered the truth. I ask the Court to set me free.

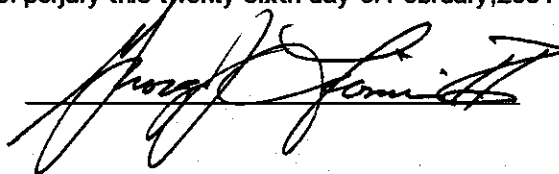
Comes this day, George J. Fiorini, II, acting pro se, not an expert in the law, however, I do know right from wrong. If there is any human being damaged by any statements herein, if he will inform me by facts, I will sincerely make every effort to amend my ways. I hereby and herein reserve the right to amend and make amendment to this document as necessary in order that the truth may be ascertained and proceedings justly determined. If the parties given notice by means of this document have information that would controvert and overcome this Affidavit, please advise me IN WRITTEN AFFIDAVIT FORM within ten (10) days from receipt hereof, providing me with your counter affidavit, proving with particularity by stating all requisite actual evidentiary fact and all requisite actual law, and not merely the ultimate facts or conclusions of law, that this Affidavit Statement is substantially and materially false sufficiently to change materially my status and factual declarations. Your silence stands as consent to, and tacit approval of, the factual declarations herein being established as fact as a matter of law. May the will of our Heavenly Father, through the power and authority of the blood of His Son be done on Earth as it is in Heaven.

BE IT ACKNOWLEDGED, that George J. Fiorini, II, the Undersigned deponent, being of legal age, hereby depose and say under oath as follows (or as set forth on the signed addendum annexed and incorporated herein):

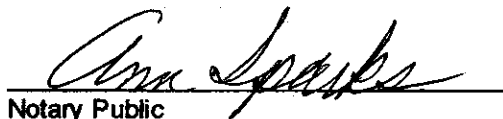
Witness my hand under the penalties of perjury this twenty-sixth day of February, 2004

State of Ohio

County of Hamilton



Then personally appeared Who acknowledged the foregoing, before me.



Notary Public

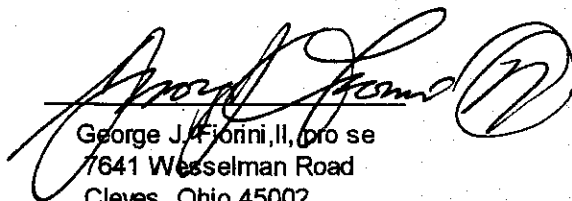
My Commission Expires:

ANN SPARKS
NOTARY PUBLIC, STATE OF OHIO
MY COMMISSION EXPIRES 12-19-01

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon

Judge Weber and Daniel J. Pieschel this ~~28th~~ day of April 2004.



George J. Fiorini, II, pro se
7641 Wesselman Road
Cleveland, Ohio 44102
Ph. (513) 353-9797
Fax (513) 353-9747

